



## U.S. DEPARTMENT of STATE

### Trinidad and Tobago

#### Country Reports on Human Rights Practices - [2004](#)

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Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. Parliament also elects a president, whose office is largely ceremonial but with some appointive power. In the 2002 general elections, which observers considered free and fair, Prime Minister Patrick Manning's People's National Movement (PNM) secured a 20 to 16 seat victory over the United National Congress (UNC), breaking an 18 to 18 tie in Parliament and ending a 9-month parliamentary stalemate. The judiciary is independent.

The Ministry of National Security oversees the police service, prison service, and the defense force, rendering them responsive to civilian authority. The police service maintains internal security. The defense force is responsible for external security but also has certain domestic security responsibilities. An independent body, the Police Service Commission, makes hiring and firing decisions in the police service, and the Ministry had little direct influence over changes in senior positions. While the civilian authorities maintained effective control of the security forces, some members of the security forces committed human rights abuses.

Oil and natural gas production and related downstream petrochemical industries, including ammonia and methanol production, comprised the foundation of the market-based economy. The country's population was approximately 1.3 million. The service sector was the largest employer, although the industrial and construction sectors also were significant. Real Gross Domestic Product grew at 6.2 percent, while inflation was 4.75 percent. Wages generally did not keep pace with inflation. Favorable energy prices contributed to the overall well being of the economy.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were police killings during apprehension and deaths of persons while in custody, poor prison conditions, and reports of police and guard abuse of prisoners. Violence against women remained a problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government and its agents; however, 21 persons died during the year while in police custody or at the hands of police. Excessive use of force continued to be a concern.

On January 24, a police officer shot two unarmed men during an altercation at a Carnival party. One of the men died instantly, while the other man fled. In June, a Magistrate's Court charged the officer with manslaughter and released him on bail pending a trial.

On April 2, police shot and killed Galene Bonadie with an assault rifle. Bonadie reportedly was involved in a verbal altercation with police when an officer shot her in the head at close range. The Director of Public Prosecutions ordered an inquest into the incident, and the Homicide Bureau interviewed four policemen and six eyewitnesses. A trial was underway at year's end.

On June 13, Noel Stanley died in police custody after he was apprehended for alleged possession of marijuana. Stanley died in the emergency room 3 hours after his arrest. A postmortem found signs of beating and strangulation. The Homicide Bureau investigated the incident, and a final disposition was pending at year's end.

There were no developments in the 2003 case of Gideon Edwards, who was killed by police, or the 2003 case of Shaun McLeod, who died while in police custody.

###### b. Disappearance

There were no reports of politically motivated disappearances.

Criminal kidnappings continued to be a problem, with 165 reported incidents at year's end. Citizens especially were concerned with kidnappings for ransom, 28 of which occurred during the year; however, this total represented a considerable reduction from the 51 reported incidents in 2003.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports of police and prison personnel mistreating citizens in incidents that involved beating and sexual abuse.

In April, Camille Mitchell claimed that she suffered a miscarriage as a result of police mistreatment during a search of her home. Mitchell was involved in a physical altercation with her cousin when the officer allegedly slapped her and slammed her into a chair.

Also in April, a Golden Grove Remand Center inmate claimed that prison guards beat him with a hose and sexually assaulted him with a wooden baton. The prisoner sued five officers and the Office of the Attorney General. The Commissioner of Prisons conducted an investigation and submitted a report to the Minister of National Security. Additional investigations were ongoing at year's end.

In June, Noel Stanley died in police custody after police officers allegedly severely beat him (see Section 1.a.).

In July, Danesh Mahabir sued police officials for assault and battery and unlawful detention that occurred in November 2003. During the incident, police allegedly knocked Mahabir to the ground, kicked him in the ribs, beat him with a baton, and slammed his hands in a car door. The suit was ongoing at year's end.

Prison conditions were harsh. Overcrowding was severe, particularly at the Port of Spain Prison, which held approximately 900 prisoners, although designed to hold only 250 inmates when it was built in 1812. Amnesty International (AI) reported that one cellblock held 114 prisoners in 10 feet by 10 feet cells, with upwards of 14 prisoners per cell.

Conditions were extremely unsanitary. Illnesses such as tuberculosis, HIV/AIDS, conjunctivitis, and scabies spread easily. Waste for one cellblock was disposed of within 5 feet of the meal preparation area, and there were reports of insects infesting the entire facility. During the year, AI reported that conditions amounted to "cruel, inhuman, and degrading treatment."

Conditions at the maximum-security prison in Arouca and the Golden Grove Remand Center also were poor. On two separate occasions, judges declined to sentence elderly convicts to prison terms, citing the risk of death due to unsanitary conditions and inadequate medical facilities.

The maximum security prison had an intended capacity of 2,400 persons but, due to a faulty sewage system and inadequate electronic security, held only 800 prisoners and did little to relieve the overcrowding in the detention system.

There was a separate prison facility for women, and conditions generally met international standards. The Youth Training Center held children between the ages of 15 and 19. Younger children were sent to the Boy's Industrial School.

Pretrial detainees were held separately from convicted prisoners, although they could be in the remand section of the same facilities as convicted prisoners.

The Government permitted prison visits by independent human rights observers, but the Ministry of National Security must approve each visit. Following prison visits during the year, members of the Criminal Bar Association threatened legal action if the Government did not take steps to improve prison conditions.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police force is divided into 9 countrywide divisions, including 17 specialized branches, and had approximately 7,000 members. The Police Service Commission, upon consultation with the Prime Minister, appoints a Commissioner of Police to oversee the police force. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national service. A Special Crime Fighting Unit, composed of police and Defense Force personnel, conducted joint operations to combat violent crime, kidnappings for ransom, and other security issues.

Police corruption continued to be a problem. On at least two occasions during the year, police were apprehended with drugs, guns, and grenades and in connection with other illicit activities. An independent body, the Police Complaints Authority, received

complaints about the conduct of police officers, monitored the investigation of complaints, and determined disciplinary measures where appropriate, including dismissal. However, Police Service Commission restrictions limited the authority's ability to dismiss police officers, and a large backlog of outstanding complaints eroded the public's confidence in this organization. Recent governments identified a need for reform because the commission inhibits how the commissioner and his senior staff may discipline offending officers operationally.

A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses commission of the alleged offense. For less serious offenses, the authorities typically brought the accused before a magistrate by way of a summons, requiring the accused to appear within 48 hours, at which time the accused could enter a plea. For more serious offenses, when the accused was brought before the court, the magistrate proceeded with a preliminary inquiry or, alternatively, committed the accused to prison on remand or allowed the accused to post bail until the inquiry. In practice, serious offenders also were charged within 48 hours following arrest.

The court may, and customarily did, grant bail to any person charged with any offense other than murder, treason, piracy, hijacking, or for any other offense for which death was the penalty fixed by law. In cases in which bail was refused, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to any interrogation. Police have the authority, under the Summary Courts Act, to grant bail to individuals charged with summary offenses. Detainees were granted prompt access to a lawyer and to family members.

The Minister of National Security may authorize preventive detention in order to prevent actions prejudicial to public safety, public order, or national defense, and the Minister must state the grounds for the detention. There were no reports that the authorities abused this procedure.

Lengthy pretrial detention, which resulted from heavy court backlogs and an inefficient judiciary system, continued to be a problem. On average, criminal indictments waited 19 months before going to trial, and some inmates had not seen an attorney for 3 years or more. In July, the Fourth Criminal Court acquitted Nicholas John and Keino Lewis of murder after they had spent 7 years in jail awaiting trial. In July, two men sued the Attorney General for false imprisonment and malicious prosecution after spending more than a year in prison on charges for which they later were acquitted. As of July, more than 17,000 matters remained outstanding before the courts, dating from 1998. Courts handled an average of 35 to 60 matters per day and 11,434 cases per year.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary provided citizens with a fair judicial process, albeit at a slow pace due to backlogs and inefficiencies. In a speech opening the annual law term, Chief Justice Satnarine Sharma described dilapidated court buildings unfit for proceedings, archaic rules, an antiquated court reporting system, poor caseload management, and slow, expensive, and inequitable access to justice.

The judiciary is divided into a Supreme Court of Judicature and the Magistracy. The Supreme Court is composed of the Court of Appeal and the High Court; the Magistracy includes the summary courts and the petty civil courts.

All criminal proceedings commence with the filing of a complaint in the summary court. Magistrates try minor offenses. For more serious offenses, the magistrate must conduct a preliminary inquiry. If there is sufficient evidence to support the charge, the accused is committed to stand trial before a judge and jury of the High Court. All civil matters are heard by the High Court. Both civil and criminal appeals may be filed with the local court of appeal and ultimately to the Privy Council in London.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All criminal defendants have the right to an attorney and are considered innocent until proven guilty. In practice, the courts sometimes appointed attorneys for indigent persons charged with indictable offenses (serious crimes). The law requires the provision of an attorney to a person accused of murder. An indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

A Board of Film Censors is authorized to ban films that it considers to be against public order and decency or contrary to the public interest. This includes films that it believes may be controversial in matters of religion or race, or that contain seditious propaganda. In practice, films rarely were banned.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There was no official state religion and the Government did not subsidize any particular religion. The Government limited the number of foreign missionaries allowed to enter the country to 30 per denomination. Missionaries must meet standard requirements for an entry visa, must represent a registered religious group, and may not remain in the country for more than 3 years at a time.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and it was not used.

In 2000, the Government acceded to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, but the Government still had not passed legislation to implement obligations accepted under the Convention. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government placed asylum seekers in the care of a local nongovernmental organization (NGO) pending resolution of their cases, which were reviewed by the office of the UNHCR. Until Parliament approves the legislation, the Ministry of National Security's Immigration Division handled any requests for asylum on a case-by-case basis.

During the year, 13 individuals (6 Liberians, 5 Haitians, 1 Bangladeshi, and 1 Rwandan) requested asylum, and their applications were pending at year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens could freely choose and change the laws and officials that govern them. The most recent national election was held in October 2002, and observers found it to be generally free and fair.

The two major political parties were the PNM (primarily but not exclusively Afro-Trinidadian) and the UNC (primarily but not exclusively Indo-Trinidadian). Voters in the 2002 national elections supported the PNM, which retained control of the Government. The PNM has held power continuously since independence in 1962, with the exception of 1986-91 (National Alliance for Reconstruction) and 1995-2001 (UNC). The PNM's dominance was not due to government restrictions on the political opposition.

According to Transparency International, the perception of corruption in the country increased each year since 2001. During the year, the courts heard a case that implicated members of the then-governing UNC in embezzlement and bid rigging on the Piarco Airport expansion project. The proceedings were still ongoing at year's end.

The Freedom of Information Act provides for public access to government documents upon application. The Integrity in Public Life Act mandates that government figures publicly disclose their assets each year to an Integrity Commission. In 2002, former Prime Minister Panday was arraigned in Magistrate's Court under this Act in connection with alleged corruption that occurred during his tenure as Prime Minister.

There were 21 women in the 66-seat legislature; there were 6 women in the cabinet.

Both major political parties reached out to voters from relatively small ethnic groups, and members of these groups occupied significant positions in the Government. There were 6 members of minorities in the 66-seat legislature. There was one member of a minority in the cabinet.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, or sex.

##### Women

Abuse of women continued to be a significant problem. Local NGOs estimated that abuse affected 20 to 25 percent of women, although there were no reliable statistics available. There was increased media coverage of domestic abuse cases and signs of a shift in public opinion, which previously had held that such cases were a private matter. The Domestic Violence Act provides for penalties, including fines and imprisonment, for spousal abuse. Police were somewhat responsive to reports of domestic violence, but NGOs reported a need for further reforms. The Government operated a 24-hour hotline for victims of rape, domestic violence, or other violence against women, which received calls and referred victims to shelters, counseling, or other assistance. The police service reorganized its community police unit, which had been trained especially to deal with crimes against women, attaching its members to regular units to train other officers and expand its reach.

Rape was illegal and punishable by life imprisonment, although the courts often issued significantly shorter sentences. Murder, rape, and other crimes against women were reported frequently, but NGOs estimated that many sexual crimes went unreported. Police generally were responsive to reports of rape; however, there also were many complaints of police insensitivity in dealing with rape victims.

Two government ministries, operating independently, directed the NGOs that ran most of the country's social programs addressing domestic violence, including eight shelters for battered women. A rape crisis center offered counseling for rape victims on a voluntary basis.

Prostitution is illegal, and the authorities continued to monitor and pursue prosecutions against persons charged with soliciting for the purpose of prostitution.

There are no laws specifically pertaining to sexual harassment, although related laws could be applied. Most cases of sexual harassment in the workplace went unreported.

Many women held positions in business, the professions, and government. Nevertheless, men still tended to hold most senior positions. There was no law or regulation requiring equal pay for equal work, and pay discrepancies existed. Women had equal inheritance rights, including after divorce or separation from their spouses. Women's attendance in primary and secondary school was equal to that of men's.

The Division of Gender Affairs in the Ministry of Community Development, Culture, and Gender Affairs was responsible for protecting women's rights in all aspects of government and legislation. Several active women's rights groups also existed, including the Women's Federation and Working Women for Social Progress.

##### Children

A lack of funds and expanding social needs challenged the Government's ability to carry out its commitment to protect children's rights and welfare. Education was free, compulsory, and universal up to age 12. The Ministry of Education estimated that 89 percent of school age children attended school. Public education was available through age 20, and most students achieved the equivalent of a high school diploma. Some parts of the public school system failed to meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence. The Government committed resources to building new facilities and expanded access to free secondary education.

Medical care for children was widely available, and both girls and boys enjoyed equal access.

The Domestic Violence Act provides protection for children abused at home. Abused children removed from the home were placed with relatives, government institutions, or NGOs.

The law establishes the upper age in the definition of a child at 18 years of age, abolishes corporal punishment for children under 18, and prohibits sentencing a person under 18 to prison.

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country. In the event of trafficking, perpetrators can be prosecuted under several related laws, with penalties ranging from 7 years' to life imprisonment. There were no prosecutions during the year. The Government had not designated a specific agency to combat trafficking in persons, and it sponsored no public awareness campaigns to address this issue during the year. Domestic NGOs handled the care and oversight of trafficking victims.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. No legislation specifically enumerates or protects the rights of persons with disabilities or mandates the provision of access to buildings or services. The lack of access to transportation, buildings, and sidewalks was a major obstacle for persons with disabilities. The Government provided some public assistance and partial funding to a variety of NGOs, which, in turn, provided direct services to members or clients with disabilities.

The Office of the Prime Minister's Social Services Delivery Unit is responsible for addressing the concerns of the disabled community. In August, this agency held a consultation conference with members of the disabled community and other stakeholders to review the Government's National Policy on Persons with Disabilities.

#### National/Racial/Ethnic Minorities

Various ethnic and religious groups lived together peacefully, generally respecting one another's beliefs and practices. However, at times, racial tensions appeared between Afro Trinidadians and Indo-Trinidadians, each of which make up approximately 40 percent of the population. Indo-Trinidadians and persons of European, Middle Eastern, or Asian descent dominated the private sector. Indo-Trinidadians predominated in agriculture as well. Afro-Trinidadians were employed heavily in the civil service, police, and armed forces. Some Indo-Trinidadians asserted that they were excluded from equal representation in the civil service due to racial discrimination. Some Indo-Trinidadians also denounced the use of the Trinity Cross as the nation's highest award, claiming that its Christian motif was not representative of a multi-religious society.

#### Indigenous People

A very small group of the population identified themselves as descendants of the original Amerindian population of the country. The Government effectively protected their civil and political rights, and they were not subject to discrimination.

#### Section 6 Worker Rights

##### a. The Right of Association

The Industrial Relations Act (IRA) provides that all workers, including those in state-owned enterprises, may form and join unions of their own choosing without prior authorization. The IRA provides for the mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. An estimated 18 percent of the work force was organized in approximately 25 active unions. Most unions were independent of government or political party control, although the Sugar Workers' Union historically was allied with the UNC.

A union also may bring a request for enforcement to the Industrial Court, which may order employers who are found guilty of anti-union activities to reinstate workers and pay compensation, or impose other penalties including imprisonment.

##### b. The Right to Organize and Bargain Collectively

The law allowed unions to conduct their activities without interference, to participate in collective bargaining, and to strike, and the Government protected these rights in practice. However, employees in "essential services," such as police and teachers, do not have the right to strike. These employees negotiated with the Government's Chief Personnel Officer to resolve labor disputes. There are several export processing zones (EPZs). The same labor laws applied in the EPZs as in the rest of the country.

There were significant legal strikes during the year.

The Labor Relations Act prohibits retaliation against strikers and provides for grievance procedures through the Industrial Court. This court consisted of government, business, and labor representatives, and most observers considered it to be impartial.

c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced or compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal age for workers is 12 years. Children from 12 to 14 years of age may work only in family businesses. Children under the age of 18 legally may work only during daylight hours, with the exception of 16- to 18-year-olds, who may work at night in sugar factories. The Ministry of Labor and Small and Micro Enterprise Development and the Social Services Delivery Unit of the Office of the Prime Minister are responsible for enforcing child labor provisions. Enforcement was not consistent because there was no comprehensive government policy on child labor, and there were no specific systematic mechanisms for receiving, investigating, and addressing child labor complaints.

There was no organized exploitation of child labor, but a 2002 UNICEF study estimated that 1.2 percent of children from 5 to 14 years of age were engaged in paid work, and that 0.3 percent were engaged in unpaid work for someone other than a family member.

The Government ratified ILO Convention 182 on elimination of the worst forms of child labor in April 2003; however, it had yet to enact the relevant enabling legislation by year's end. In August, the Government held the inaugural meeting of the National Steering Committee on the Prevention and Elimination of Child Labour. The Committee was tasked with developing a comprehensive National Policy on child labor.

e. Acceptable Conditions of Work

The national minimum wage is \$1.33 (TT\$8.00) per hour, which did not provide a decent standard of living for a worker and family. Actual wages varied considerably among industries, and most workers earned more than the minimum wage. The Ministry of Labor enforced minimum wage regulations.

The Minimum Wages Act establishes a 40-hour workweek, time and a half pay for the first 4 hours of overtime on a workday, double pay for the next 4 hours, and triple pay thereafter. For holidays and days off, the act provides for double pay for the first 8 hours and triple pay thereafter. Daily rest periods and paid annual leave formed part of most employment agreements.

The Factories and Ordinance Bill sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The IRA protects workers who file complaints with the Ministry of Labor regarding illegal or hazardous working conditions. If it is determined upon inspection that hazardous conditions exist in the workplace, the worker is absolved for refusing to comply with an order that would have placed him or her in danger.